MONTANA LEGISLATIVE HISTORY

Chapter 360 19 69

Bill H 608 S _____ Original bill & history ____C

H. Committee on Judiciary		S. Committee on Taxation	
Hearing Date(s) Feb 25	✓C	Hearing Date(s) March	✓C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 25	____C	March	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

February 25, 1969

JUDICIARY COMMITTEE

The meeting of the House Judiciary Committee was held in the Committee Room 300, of the Capitol Building, at 9:30 a.m., February 25, 1969. Chairman Murphy presided and all members were present except Representatives Hemstad, Kolstad, McCulloch, Prevost, Scott, Stimatz and White.

Chairman Murphy called the meeting to order, a quorum being present, and stated that the only bill on the agenda was House Bill No. 608, an act revising estate tax code. The committee discussed same and the following action was taken:

HB 608: Rep. Harrison moved that House Bill No. 608, DO PASS. The motion carried unanimously.

There being no further business to come before the meeting, the same was adjourned.

James E. Murphy, Chairman

Val Cole, Secretary

March 4, 1969

A meeting of the committee on Taxation was held in Room 410 on adjournment on the above date. Senator Nees presided and a quorum was present.

HOUSE BILL 608. This proposal makes a slight change in the estate tax laws. This subject came up during a meeting of the Ways and Means Committee of the House and the rules were suspended in order to introduce this important legislation. The only change made is to specify the amount that would be allowable under the Internal Revenue Code, instead of the United States Revenue Act which has been repealed. There are at least three estates now which would bring money into Montana, the largest being $286,000 in taxes. This would not increase the tax to the individual, but instead would be the allowance going to Montana instead of the United States government. Rep. Hall was excused.

Senator Mathers moved that HOUSE BILL 608 BE CONCURRED IN. Senator Turnage seconded. MOTION CARRIED.

There being no further business, the meeting was adjourned.

Nees

SENATOR NEES, Chairman

royalty interest, overriding royalty interest, carried working interest, net proceeds interest, production payments and all other interest or interests owned or carved out of the total gross proceeds in value or in kind of such extracted marketable petroleum or other mineral or crude oil; in all leases establishing royalty interests entered into hereafter or in renewals of existing leases, or in division of proceeds orders, or by other contracts, such other owner or owners may agree with every person required to pay such tax that such other owner or owners will pay their pro rata share of said tax, and that said pro rata share may be deducted from any settlements under said lease or leases or division of proceeds orders or other contracts."

Effective date.

Section 2. This act is effective for all taxable years commencing after December 31, 1968.

Approved: March 14, 1969.

CHAPTER NO. 360

An Act to Amend Section 91-4411, R.C.M. 1947, by Imposing an Estate Tax on Those Estates Subject to Tax by the Internal Revenue Code of 1954.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 91-4411, R.C.M. 1947, is amended to read as follows:

Estate tax.

"91-4411. **Estate tax.** (a) In addition to the taxes hereinabove imposed, an estate tax is hereby imposed upon the transfer of all estates which are subject to an estate tax under the provisions of the *Internal Revenue Code of 1954*, and amendments thereto, where the decedent, at the time of his decease, was a resident of this state. The amount of said estate tax shall be equal to the extent, if any, of the excess of the credit of not exceeding eighty per cent (80%), allowable under said *Internal Revenue Code*, over the aggregate amount of all estates, inheritance, transfer, legacy and succession taxes paid to any state or territory or the District of Columbia, in respect to any property in the estate of said decedent. Provided, that such estate tax hereby imposed shall in no case exceed the extent to which its payments will effect a

saving or diminution in the amount of the United States estate tax payable by, or out of the estate of the decedent, had subdivisions (a) to (h) not been enacted. The tax imposed herein shall be collected by the several county treasurers or the state treasurer and distributed as hereafter provided.

When payable.

(b) **When payable.** The estate tax shall be payable to the county treasurer of the county in which such estate is being probated at the same time, or times, at which the United States tax is payable and shall bear interest, if any, at the same rate and for the same period as such United States tax.

Liability.

(c) **Liability.** Administrators, executors, trustees and grantees under a conveyance, made during the grantor's life and taxable hereunder, shall be liable for such taxes with interest, until the same have been paid.

Lien.

(d) **Lien.** Said taxes and interest shall be, and remain, a lien on the property subject to the taxes until the same are paid.

Extension of time.

(e) **Extension of time.** The district court of the county in which such estate is being probated may, for cause shown, extend the time of payment of said tax whenever the circumstances of the case require.

Duplicate returns.

(f) **Duplicate returns.** It shall be the duty of the legal representative of the estate of any decedent, who was a resident of this state at the time of his death and whose estate may be subject to the payment of a United States estate tax, to file duplicates of the United States estate tax returns with the district court of the county in which such estate is being probated. He shall also file with such court a certificate or other evidence from the bureau of internal revenue showing the amount of the United States estate tax as computed by that department. The district court shall hear all parties desiring to be heard with respect to the amount of state estate tax and shall enter an order determining such tax and the amount thereof so due and payable. Any person in interest aggrieved by such determination shall have the same right of rehearing and appeal as is now provided for in the determination of inheritance taxes.

Intent.

(g) **Intent of subdivisions (a) to (h).** It is hereby

declared to the intent and purpose of subdivisions (a) to (h) to obtain for this state the benefit of the credit allowed under the provisions of said *Internal Revenue Code*, to the extent that this state may be entitled by the provisions of said act, by imposing additional taxes and the same shall be liberally construed to effect this purpose.

Provisions applicable.

(h) **Provisions applicable.** The provisions of sections 91-4401 to 91-4456, inclusive, relating to the tax on inheritances and transfers, shall apply to the taxes imposed by subdivisions (a) to (h), in so far as the same are applicable and not in conflict with the provisions hereof."

Effective immediately.

Section 2. This act is effective on its passage and approval.

Approved: March 14, 1969.

CHAPTER NO. 361

An Act to Provide a Uniform Agricultural Seed Law Defining Seeds and Regulating the Sale and Labeling of Seeds by Amending Section 3-803 and by Repealing Sections 3-801, 3-802, 3-816, 3-817, 3-818, 3-819, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Terms used in this act and not otherwise identified are hereby defined:

"Agricultural seeds."

(1) Agricultural seeds shall be the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seeds, and shall include lawn seeds and mixtures of seeds.

"Vegetable seeds."

(2) Vegetable seeds shall include the seeds of those crops that are or may be grown in gardens or on truck farms and are or may be sold generally under the name of vegetable seeds.

"Flower seeds."

(3) Flower seeds shall include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and are commonly known and sold under the name of flower seeds in this state.

"Weed seeds."

(4) (a) The term "weed seeds" shall include the seeds or bulblets of all plants generally recognized as weeds within this state, and shall include noxious weed seeds.

(b) Noxious weed seeds are hereby divided into two (2) groups defined as follows:

"Prohibited noxious weed seeds."

1. "Prohibited noxious weed seeds" are the seeds of perennial and other serious weeds that not only reproduce by seed but also may spread by underground roots, stems, and other reproductive parts, and which when well established, are highly destructive and difficult to control in this state by ordinary good cultural practice. Prohibited noxious weed seeds shall include the seeds of:

Canada thistle	(Cirsium arvense)
	(Carduus arvensis)
Leafy spurge	(Euphorbia esula)
White top	
(Perennial peppergrass)	(Cardaria draba)
(Hoary cress)	(Cardaria pubescens)
Quack grass	(Agropyron repens)
Russian knapweed	(Centaurea picris)
Perennial sow thistle	(Sonchus arvensis)
Wild morning glory	(Convolvulus arvensis)
(Field bindweed)	
Dalmatian toadflax	(Linaria dalmatica)
Halogeton	(Halogeton glomeratus)
Medusa-head wildrye	(Elymus caput-medusae)
Creeping bell flower	(Campanula repunculoides)
Common toadflax	(Linaria vulgaris)

Restricted noxious weed seeds."

2. "Restricted noxious weed seeds" are the seeds of weeds that are very objectionable in fields, lawns and gardens of this state, but can be controlled by good cultural practices. Restricted noxious weed seeds shall include the seeds of: